

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK EDWARD PERRY,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

Civil Action No. 08-159 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on May 28, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 3], filed on June 5, 2008, recommended that Petitioner's Petition be dismissed as moot and that a certificate of appealability be denied. Petitioner was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1st day of July, 2008;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED as moot and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 3] of Magistrate Judge Baxter, filed on June 5, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge